

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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MARK JOHNSON, SR.,

Plaintiff,

v.

No. 9:07-CV-0024  
(FJS/GHL)

MR. WIGGER, et al.,

Defendants.

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APPEARANCES:

OF COUNSEL:

MARK JOHNSON, SR.,  
Plaintiff, *Pro Se*  
406 Clinton Avenue  
Albany, New York 12206

OFFICE OF ROBERT P. ROCHE  
Counsel for Defendants  
36 South Pearl Street  
Albany, New York 12207

ROBERT P. ROCHE, ESQ.

**FREDERICK J. SCULLIN, JR., S.J.:**

**ORDER**

After carefully considering the entire file in this matter, including Magistrate Judge Lowe's July 10, 2009 Report-Recommendation to which the parties have not filed any objections; Defendants' motion for summary judgment and Plaintiff's claims against Defendants, the Court hereby

**ORDERS** that Magistrate Judge Lowe's July 10, 2009 Report-Recommendation is

**ADOPTED IN ITS ENTIRETY** for the reasons stated therein; and the Court further

**ORDERS** that Defendants' motion for summary judgment is **DENIED**; and the Court further

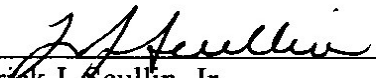
**ORDERS** that Plaintiff's federal claims against Defendants are **DISMISSED SUA SPONTE** pursuant to 28 U.S.C. § 1915(e); and the Court further

**ORDERS** that Plaintiff's state-law claims against Defendants are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1367; and the Court further

**ORDERS** that the Clerk of the Court shall enter judgment in favor of Defendants and close this case.

**IT IS SO ORDERED.**

DATED: August 5, 2009  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge